

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

|                                   |   |                                  |
|-----------------------------------|---|----------------------------------|
| PAUL DUNKEL, et al.               | ) |                                  |
|                                   | ) |                                  |
| Plaintiffs,                       | ) |                                  |
|                                   | ) |                                  |
| v.                                | ) | Civil Action No.: 2:13-00695-MRH |
|                                   | ) |                                  |
| WARRIOR ENERGY SERVICES, INC. and | ) | <i>Filed Electronically</i>      |
| IPS, INC.                         | ) |                                  |
|                                   | ) |                                  |
| Defendants.                       | ) |                                  |
|                                   | ) |                                  |
|                                   | ) |                                  |

**STIPULATION SELECTING ADR PROCESS**

Counsel report that they have met and conferred regarding Alternative Dispute Resolution (ADR) and have reached the following stipulation pursuant to L.R. 16.2 and the Court's ADR Policies and Procedures.

**I. PROCESS**

Select one of the following processes:

- ☒ Mediation
- ☐ Early Neutral Evaluation (ENE)
- ☐ Court sponsored Binding<sup>1</sup> Arbitration
- ☐ Court sponsored Non-binding Arbitration
- ☐ Private ADR (please identify process and provider)
- ☐ Other (please identify process and provider)\_\_\_\_\_

**\*If you are utilizing a private process, such as the American Arbitration Association, be advised that the case is still governed by the Court's ADR Policies and Procedures. It is the responsibility of counsel to ensure that all of the proper forms are timely submitted and filed, as required by Policies and Procedures.**

<sup>1</sup>For binding arbitration, please complete form "Stipulation to Binding Arbitration" located on the Court's website at [www.pawd.uscourts.gov](http://www.pawd.uscourts.gov)



## II. COSTS

The parties have agreed to share the ADR costs as follows (do not complete percentages for Court sponsored arbitration. For that process, costs are paid by the Court in accordance with 28 USC §658.):

50 % by Plaintiff  
50 % by Defendant

If a dispute arises as to compensation and costs for the mediator/neutral evaluator/private arbitrator, the Court will set reasonable compensation and costs.

## III. NEUTRAL

The parties hereby designate by agreement the following individual to serve as a Neutral in the above-styled action:

|                           |  |
|---------------------------|--|
| Name of Neutral:          | <b>William H. Lemons</b>                               |
| Address of Neutral:       | <b>4040 Broadway Suite, 616, San Antonio, TX 78209</b> |
| Telephone & FAX Nos.:     | <b>T: 210-224-5079 F: 210-930-5082</b>                 |
| Email address of Neutral: | <b>whlemons@satexlaw.com</b>                           |
| Date of ADR Session:      | <b>October 8, 2015</b>                                 |

The parties represent that they have contacted the selected prospective neutral and have determined that the neutral is available to conduct the ADR session within the time prescribed by the Court's Policies and Procedures and that the neutral does not have a conflict.

## IV. PARTICIPANTS

Name of the individual(s) who will be attending the mediation or early neutral evaluation session, **in addition to counsel**, in accordance with **Section 2.7 (Attendance at Session)** of the Court's ADR Policies and Procedures:

**For Plaintiffs:** Joseph Chivers, Esq. (Co-Lead Counsel), Shanon J. Carson (Co-Lead Counsel) and additional Plaintiffs' counsel of record will attend the mediation.

**For Defendants:** Blaine Edwards, Esq. (Corporate Representative), James F. Glunt, Esq. (Lead Counsel) and additional Defendants' counsel of record will attend the mediation.

Each party certifies that the representative(s) attending the ADR session on its behalf has full and complete settlement authority, **as specified in sub-section (A)(1-3) of the above section of the Court's ADR Policies and Procedures.**



## V. ACKNOWLEDGMENT

We, the undersigned parties to this action, declare that this stipulation is both consensual and mutual.

Dated: August 10, 2015

*s/ Shanon J. Carson*

Shanon J. Carson

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*s/ James F. Glunt*

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